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REMARKS

Claims 1-5, 7-9, 19, 21-25, 28-32 and 35-37 were pending in connection with the captioned application. By this amendment, applicants have canceled claim 4 without prejudice to applicants' right to pursue the subject matter of this claim in a future continuation or divisional application and amended claim 28. Accordingly, claims 1-3, 5, 7-9, 19, 21-25, 28-32 and 35-37, as amended, will be pending and under examination. Applicants maintain that the amendments to the claims raise no issue of new matter and respectfully request entry of this Amendment. Support for the amendments to claim 28 may be found *inter alia* in the specification as originally filed on page 53, line 29 through page 54, line 26; page 102, lines 2-16; and page 110, line 21.

Election/Restrictions

On page 2 of the April 5, 2005 Office Action, the Examiner acknowledged applicants' election with traverse of the invention of Group I. The Examiner further acknowledged that all of the pending claims are drawn to the elected invention. The Examiner then confirmed that all of the pending claims would be searched and examined. The Examiner then stated that the restriction requirement was still deemed proper and is therefore made final.

Sequence Compliance

On page 3 of the April 5, 2005 Office Action the Examiner acknowledged that the case now complies with the requirements of the sequence rules under 37 CFR §1.821 to §1.825.

Information Disclosure Statement

On page 3 of the April 5, 2005 Office Action the Examiner acknowledged that all of the references cited in the Information Disclosure Statements filed on November 28, 2001,

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November 25, 2002 and April 8, 2004 have been considered.

Applicants direct the Examiner's attention to the Supplemental Information Disclosure Statement filed October 18, 2004. A copy of Form PTO/SB/08a filed on October 18, 2004 is attached. It is respectfully requested that the Examiner consider the above information and that a copy of the enclosed Form PTO/SB/08a be returned indicating that such information has been considered. Applicants respectfully request that the Examiner make the cited reference of record in the subject application.

Priority

On page 3 of the April 5, 2005 Office Action the Examiner afforded the subject matter defined in claims 1-5, 7-9, 19, 21-25, 28-32 and 35-37 an effective filing date of May 26, 2000, the filing date of PCT/US00/14654.

35 U.S.C. §101

On page 4 of the April 5, 2005 Office Action the Examiner rejected claims 28 and 29 under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. The Examiner suggested that applicants amend the claims to recite "an isolated cell . . .".

In an attempt to advance the prosecution of the captioned application but without conceding either the correctness of the Examiner's position or the need for amendment, applicants have amended claim 28 to recite "an isolated cell". Claim 29 depends from claim 28.

Applicants respectfully request that this rejection be withdrawn.

Rejection under 35 USC §112

On page 5 of the April 5, 2005 Office Action, the Examiner rejected claims 1-5, 7-8, 19, 21-

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25, 28-32 and 35-37 under 35 U.S.C. 112, first paragraph for allegedly failing to comply with the enablement requirement. The Examiner acknowledged that the specification provides ATCC Patent Depository Numbers for the claimed plasmids but concluded that the specification lacks complete deposit information for the deposit of said plasmids.

The Examiner further acknowledged that if the deposits were made under the provisions of the Budapest Treaty, then the filing of an affidavit or declaration by applicants, assignees or a statement by an attorney of record over his or her signature and registration number stating that the deposits have been accepted by an International Depository Authority under the provisions of the Budapest Treaty, that all restrictions upon access to the deposits will be irrevocably removed upon the grant of a patent on the application and that if the deposit will be replaced if viable samples cannot be dispensed by the depository is required.

In response, applicants' undersigned attorney states herewith that in accordance with 37 C.F.R. §1.808(a)(2) all restrictions imposed by the depositor on the availability to the public of the deposited materials will be irrevocably removed upon the granting of a patent from the subject application. Applicants transmit herewith a copy of the ATCC Deposit Receipt for plasmid pcDNA3.1-hSNORF33-f (ATCC Patent Depository No. PTA-398) and a copy of the ATCC Deposit Receipt for plasmid pEXJ-hSNORF33-f (ATCC Patent Depository No. PTA-570) indicating that the deposits were made under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure on July 21, 1999 and August 24, 1999, respectively.

Applicants also note that the date of the deposit, the complete name and address of the depository, and the accession number of the deposited plasmids can be found in the specification as originally filed on page 34, line 23 through page 35, line 6.

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On page 6 of the April 5, 2005 Office Action the Examiner noted that the specification discloses that both of the aforementioned plasmids encode human SNORF-33 receptor. The Examiner then requested that applicants confirm that both receptors encode the polypeptide of SEQ ID NO: 6 and describe the differences between the two plasmids.

In response, Applicants point out that both plasmid pcDNA3.1-hSNORF33-f (ATCC Patent Depository No. PTA-398) and plasmid pEXJ-hSNORF33-f (ATCC Patent Depository No. PTA-570) encode a human SNORF33 receptor as set forth in SEQ ID NO: 6. See the specification as originally-filed on page 51, line 25 through page 52, line 2.

Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Rejection under 35 USC §112, First Paragraph

On page 6 of the April 5, 2005 Office Action, the Examiner rejected claim 4 under 35 U.S.C. 112, first paragraph for allegedly failing to comply with the written description requirement.

In an attempt to advance the prosecution of the captioned application but without conceding either the correctness of the Examiner's position or the need for amendment, applicants have canceled claim 4, thereby rendering this rejection moot.

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Summary

In view of the foregoing amendments and remarks, Applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 50-3201.

Respectfully submitted,



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